(10)

Supreme Court, U.S.
FILED
APR 15 2002
OFFICE OF THE CLERK

No. 01-704

In the Supreme Court of the United States

UNITED STATES OF AMERICA, PETITIONER

v.

THOMAS LAMAR BEAN, RESPONDENT

ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JOINT APPENDIX

THEODORE B. OLSON *
Solicitor General
Department of Justice
Washington, D.C. 20530-0001
(202) 514-2217

**Counsel of Record*
for Petitioner

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1260 N. Main
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PETITION FOR WRIT OF CERTIORARI FILED: NOV. 11, 2001
CERTIORARI GRANTED: JAN. 2, 2002

62 pp

TABLE OF CONTENTS

	Page
District court docket entries	1
Court of appeals docket entries	6
Petition for relief from disabilities under Federal Firearms Act in the E.D. of Tex.	8
Letter from James L. Reynolds to Hon. Judge Juan Pablo Hernandez (dated Mar. 27, 1998)	16
Letter from Mike White to Hon. Judge Juan Pablo Hernandez (dated Mar. 30, 1998)	18
Letter from M.E. Gorris to Hon. Judge Juan Pablo Hernandez (dated Mar. 24, 1998)	20
Letter from Stephen B. Savoy to Hon. Judge Juan Pablo Hernandez (dated Mar. 30,1998)	22
Letter from Buddie J. Hahn to Hon. Judge Juan Pablo Hernandez (dated Mar. 30, 1998	24
Application for relief from disabilities imposed by federal firearm laws to the Sec. of Treas.	27
Letter from Pamela A. Potaczek to Atty. Larry C. Hunter (dated July 27,1999)	33
Petitioner's trial brief in the E.D. of Tex.	35
Government's objections to petitioner's proposed findings of fact and conclusion of law in the E.D. of Tex.	37
Vols. 1 and 3 of transcript of hearing in the E.D. of Tex.	38

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

Docket No. 99-CV-724

THOMAS LAMAR BEAN, PETITIONER

v.

BUREAU OF ALCOHOL TOBACCO AND FIREARMS, ET AL., RESPONDENTS

DOCKET ENTRIES

DATE	DOCKET NUMBER	PROCEEDINGS
11/4/99	1	Petition by pla for relief from disabilities under Federal Firearms Act (bst)
	* * * * *	
12/6/99	3	ORDER, that the court names the USA and the Bureau of Alcohol Tobacco and Firearms as respondents to this matter and sets this matter for a hearing on Jan 6, 2000 at 10:00 am. Parties encouraged to file supporting briefs on or before 12/30/99. (signed by Judge Joe J. Fisher) cc: parties of record 12/6/99 (fxc)

DATE	DOCKET NUMBER	PROCEEDINGS
12/27/99	4	Trial Brief filed by Thomas Lamar Bean (fxc)
12/29/99	5	MOTION by USA to dismiss petition for relief from disabilities under federal firearms act and to deny hearing of merits of petition (fxc)
	* * * * *	
1/20/00	—	Hearing held before Judge Joe J. Fisher on Plaintiff's Petition from Disabilities under Federal Firearm Act. Court takes the matter under advisement, and gives the parties until 1/28/2000 to submit proposed findings of fact and conclusions of law along with proposed judgments, and given until 2/4/2000 to file responses. (om)
	* * * * *	
1/20/00	9	Pretrial Statement of Nature of Case. (om) [Entry date 01/21/00]

DATE	DOCKET NUMBER	PROCEEDINGS
2/9/00	10	OBJECTIONS by USA to petitioner's proposed findings of fact and conclusion of law (fxc) [Entry date 02/10/00]
	* * * * *	
2/11/00	—	Proposed Findings of fact and conclusions of law submitted by Thomas Bean (fxc) [Entry date 02/14/00]
2/11/00	12	Response by Thomas Lamar Bean to [10-1] objection to petitioner's proposed conclusions of law (fxc) [Entry date 02/14/00]
2/11/00	—	Additional Findings of fact and conclusions of law by Thomas Bean (fxc) [Entry date 02/14/00]
	* * * * *	

DATE	DOCKET NUMBER	PROCEEDINGS
2/22/00	14	Memorandum Opinion that Mr. Bean's petition for relief from disabilities under the Federal Firearms Act is to be granted. A separate order will be entered. (signed by Judge Joe J. Fisher) cc: attys 2/23/00 (fxc) [Entry date 02/23/00]
2/22/00	15	ORDER in accordance w/ memorandum opinion it is ordered in accordance with 18 USC Sec 925(c) that petitioner is granted relief from all disabilities imposed by Federal laws with respect to petitioner's acquisition, receipt, transfer, shipment, transportation or possesion of firearms resulting from his foreign conviction on May 27, 1998 in Nuevo, Tamaulipas, Republic of Mexio (signed by Judge Joe J. Fisher 9/22/00) cc: attys 2/23/00 (fxc) [Entry date 02/23/00]

* * * * *

DATE	DOCKET NUMBER	PROCEEDINGS
3/22/00	20	Notice of appeal by USA of [15-1] order. * * *

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Docket No. 00-40304

THOMAS LAMAR BEAN, PETITIONER-APPELLEE

v.

BUREAU OF ALCOHOL TOBACCO AND FIREARMS, ET AL., RESPONDENTS-APPELLANTS

DOCKET ENTRIES

DATE	PROCEEDINGS
3/28/00	US civil case docketed. NOA filed by Appellant Bur of Alcohol, Toba, Appellant USA. [00-40304] (kkf)
	* * * * *
6/29/00	Appellant's Brief filed by Appellant Bur of Alcohol, Toba, Appellant USA. * * *
	* * * * *
8/3/00	Appellee's Brief filed by Appellee Thomas Lamar Bean. * * *
	* * * * *
8/25/00	Reply brief filed by Appellant Bur of Alcohol, Toba, Appellant USA. * * *
	* * * * *

DATE	DOCKET ENTRIES
2/6/01	Oral argument heard. * * *
	* * * * *
6/20/01	Opinion filed. * * *
6/20/01	Judgment entered and filed. [00-40304] (ymn)
8/3/01	Petition filed by Appellant Bur of Alcohol, Toba, Appellant USA for rehearing. * * *
8/3/01	Petition filed by Appellant Bur of Alcohol, Toba, Appellant USA for rehearing en banc. * * *
8/21/01	COURT Order filed denying petition for rehearing [3299768-1], denying petition for rehearing en banc [3299777-1] * * *
8/29/01	Mandate issued. * * *
	* * * * *

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

Case No. 1:99CV-724

EX PARTE THOMAS LAMAR BEAN

[Filed Nov. 4, 1999]

PETITION FOR RELIEF FROM DISABILITIES UNDER FEDERAL FIREARMS ACT

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now THOMAS LAMAR BEAN, Petitioner in the above entitled and numbered cause of action, and files this petition for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, transportation and possession of firearms pursuant to 18 U.S.C. §925(c), and in support thereof would show unto the Court as follows:

1.

Petitioner is a resident of Orange County, Texas, in the Eastern District of Texas. Petitioner is sixty (60) years of age, has been married to his only wife, Sara Bean, since May 25, 1962, and has two adult children, Cory L. Bean and Julie L. Lightfoot. Petitioner was a licensed firearms dealer, License No. 5-76-181-01-9C-35798, at the time of the foreign offense the subject of this petition.

CIRCUMSTANCES OF FOREIGN OFFENSE

2.

Petitioner was attending a gun show as a dealer in Laredo, Texas, accompanied by his assistants, Arthur Craig Pulliam, Kevin Anthony Lee, and his son, Justin Lee. On Saturday, March 14, 1998, at the conclusion of the gun show, Mr. Bean and his assistants decided to have dinner at a restaurant in Nuevo Laredo. Justin Lee was instructed to remove the various weapons and ammunition stored in Mr. Bean's 1994 Suburban. Unfortunately, Justin Lee removed all of the weapons, but only some of the ammunition, leaving the following ammunition in plain view in the back of the Suburban, to-wit:

100 rounds of	Smith & Wesson.	40 caliber
100 rounds of	CCI	.22 caliber
6 live rounds	Remington	.223 caliber
and 14 spent casings		

3.

Mr. Bean, Kevin Anthony Lee, and Arthur Craig Pulliam did not see the ammunition left in the Suburban, and on March 14, 1998, Mr. Bean's vehicle was stopped at the Mexican Port of Entry, Nuevo Laredo, Tamaulipas, Mexico, where the ammunition in plain view was discovered by the Mexican officials. All four individuals were arrested. Justin Lee was released later that evening because he was a juvenile. Kevin Anthony Lee and Arthur Craig Pulliam were later released, but Thomas Lamar Bean was charged with introduction of ammunition into the Republic of Mexico since he was the owner of the vehicle and the ammunition.

4.

Mexican law required an accused to furnish a statement regarding the crime charged, even if the statement is incriminating. The arrested person can be charged with a separate offense should the arrested person fail to make such statement. Mr. Bean acknowledged that he was carrying the ammunition, was not aware that the ammunition was in the vehicle, was not aware that possession of ammunition was an offense in the Republic of Mexico, that the ammunition was not hidden but in plain view, and that the ammunition was in his Suburban as a part of the inventory he was selling at the gun show in Laredo, Texas.

5.

Petitioner, Thomas Lamar Bean, was sentenced on May 27, 1998, to a term of imprisonment of 5 years and a fine in the amount of $17,679.60 pesos or the equivalent of 20 days of community service work.

6.

On September 21, 1998, Thomas Lamar Bean was transferred to the La Tuna Penitentiary in Anthony, Texas/New Mexico, by virtue of the International Prisoner Transfer Treaty and the applicable federal statutes under 18 U.S.C. §4100, et seq.

7.

Petitioner was released from La Tuna Penitentiary on October 21, 1998, and placed on supervised release. Pursuant to 18 U.S.C. §4196A(b)(3) the jurisdiction over Petitioner as a supervised releasee was conferred upon the United States District Court for the Eastern District of Texas. Petitioner was released from his supervised release by that certain Order Terminating

Defendant's [Petitioner's] Supervised Release signed by the Honorable Joe J. Fisher on August 30, 1999 in Case No. 1:98CR147, styled: United States of America vs. Thomas Lamar Bean, in the United States District Court for the Eastern District of Texas, Beaumont Division.

REPUTATION OF PETITIONER

8.

Prior to this unintentional violation of a foreign law, Petitioner enjoyed all of the liberties of a United States citizen. Petitioner was self-employed as a car dealer at Buddy Chevrolet in Groves, Texas, which dealership was sold while Petitioner was in custody in Mexico. Since his release and return to the United States, Mr. Bean has opened a used car dealership under the trade name of Buddy Used Cars in Groves, Texas.

9.

Prior to this unfortunate and unintentional violation by Petitioner of a foreign law, Mr. Bean had no prior criminal history other than an arrest on February 17, 1977 in Orange County, Texas for driving while intoxicated, which complaint was dismissed by the County Attorney on July 12, 1978 due to insufficient evidence. Petitioner is well known throughout Southeast Texas as a law abiding citizen and asset of the community. Attached to this application are letters of recommendation sent to the judge in Nuevo Laredo, Mexico from the following elected officials:

a. Chief of Police of Vidor, Texas;
b. Sheriff of Orange County, Texas;
c. Chief of Police of Port Arthur, Texas;
d. City Marshall of Groves, Texas; and,

e. Judge Buddie J. Hahn of the 260th District Court of Orange County, Texas.

10.

Due in a large part to the publicity Mr. Bean's case received not only in Southeast Texas, but also in Laredo, Texas, the Federal Firearms and Explosives Law of the Republic of Mexico was amended to provide that a foreign resident who is a first time offender will receive an administrative sanction of a 200 day fine, without imprisonment. However, the Republic of Mexico did not make such amendment of their firearm laws expressly retroactive for Mr. Bean's case.

REQUEST FOR RELIEF

11.

Under 18 U.S.C. §925(c) a person who is prohibited from possessing, shipping, transporting, or receiving firearms or ammunition may make application to the Secretary of the Treasury of the United States of America for relief from the disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, transportation, or possession of firearms. The Secretary of Treasury may grant such relief if it is established to his satisfaction that the circumstances regarding the disability, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety and that the granting of the relief will not be contrary to the public interest. Petitioner made such application to the Secretary of the Treasury by letter dated July 14, 1999, a true and correct copy of which is attached hereto as Exhibit "A."

12.

Under 18 U.S.C. §925(c) any person whose application for relief from disabilities is denied by the Secretary of the Treasury may file a petition with the United States District Court for the District in which he resides for a judicial review of such denial. Attached to this letter as Exhibit "B" is the original letter of denial from the Department of the Treasury, which states that the Secretary of the Treasury has delegated the authority for granting relief from disability sought by Petitioner to the Bureau of Alcohol, Tobacco and Firearms (ATF), and that since October of 1992 the ATF's annual appropriation has prohibited the spending of any funds to investigate or act upon such applications, which in effect denied Petitioner the relief requested under the existing statute.

13.

Petitioner requests this honorable District Court review the facts of this case and grant Petitioner relief from the disabilities imposed by Federal laws with respect to his acquisition, receipt, transfer, shipment, transportation, and possession of firearms, including any disability imposed by Federal laws with respect to Petitioner's eligibility to become a licensed firearms dealer. In support of this request, Petitioner would show unto the Court that Petitioner's record and reputation are such that it is not likely Petitioner will act in a manner dangerous to public safety and the granting of the relief requested would not be contrary to the public interest.

WHEREFORE, PREMISES CONSIDERED, Petitioner respectfully prays that this Honorable Court remove Petitioner's disabilities imposed by Federal

laws with respect to his ability to acquire, receive, transfer, ship, transport, and possess a firearm as an individual and as a licensed dealer.

Respectfully submitted,

/s/ LARRY C. HUNTER
LARRY C. HUNTER
Attorney at Law
1260 North Main
Vidor, Texas 77662
Phone: (409) 769-5453
Fax: (409) 769-0984
State Bar No. 10300700

COUNSEL FOR PETITIONER

THE STATE OF TEXAS

COUNTY OF ORANGE

BEFORE ME, the undersigned Notary Public, on this day personally appeared THOMAS LAMAR BEAN, who, after having been by me duly sworn, upon his oath stated that the facts contained in the preceding Petition for Relief From Disabilities Under Federal Firearms Act are true and correct.

SIGNED this 29th day of October , 1999.

/s/ THOMAS LAMAR BEAN
THOMAS LAMAR BEAN

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned Notary Public, by the said THOMAS LAMAR BEAN on this the 29th day of October, 1999.

/s/ Marie Goins
Notary Public, State of Texas

[SEAL OMITTED]
City of Vidor
Police Department
James L. "Butch" Reynolds
Chief of Police
1015 Orange St.
Vidor, Texas 77662
March 27, 1998

Honorable Juan Pablo Hernandez
Nuevo Laredo, Mexico

Ref: Bean, Thomas Lamar
D.O.B. 11/24/38
S.S. # 466-56-1640
Vidor, Texas 77630

Sir,

My name is James L. Reynolds and I am the Chief of the City of Vidor Police Department, Vidor, Texas. I am writing this letter concerning the arrest and incarceration of Thomas L. Bean, by the Mexican Authorities. I will not pretend to know the circumstance surrounding Tommy's arrest, but I have known him for quite a number of years and I cannot imagine he would intentionally put himself or anyone else in a position where he would be arrested.

Tommy is a very good person. One of high moral character and well respected by those who know him. He is an upstanding Lae [*sic*] Abiding citizen of this community.

If I can be of any further assistance in this matter, please do not hesitate in calling me.

Respectfully submitted,

/s/ JAMES L. REYNOLDS
JAMES L. REYNOLDS
Chief of Police
City of Vidor, Texas

This letter was signed and acknowledged before me by James L. Reynolds on this the 30th day of March, 1998.

/s/ Karen Cavel
Notary Public, State of Texas

[SEAL OMITTED] [SEAL OMITTED]

ORANGE COUNTY SHERIFF'S DEPARTMENT
P.O. Box 1468, Orange, TX 77631-1468
ORANGE (409) 883-2612, VIDOR (409) 769-6391

March 30, 1998

Honorable Juan Pablo Hernandez
Federal Judge
Nuevo Laredo, Mexico

Dear Judge Hernandez

I am the Sheriff of Orange County, Texas and I am writing this letter on behalf of Thomas Lamar Bean. Mr. Bean has been a resident of my jurisdiction for more than thirty (30) years. During the past, I have been personally acquainted with Mr. Bean and know him to be a person of excellent moral character and to have a fine reputation in our community. Further, I have had the privilege of working with Mr. Bean in the "Ducks Unlimited" program which aids the development of migratory birds, and Mr. Bean has been instrumental in his efforts to provide an appropriate habitat for birds which migrate from Canada through the United States of America on into your fine country.

Your Honor, please be advised that in my official capacity as Sheriff of Orange County, Texas. I have personally reviewed the criminal history of Mr. Bean, locally, as well as nationally in the same order as we regularly rely on in determining an individual's prior criminal history and have found Mr. Bean to have no criminal violations. Please consider this letter as my

request that you allow Mr. Thomas Lamar Bean to return to my jurisdiction. His presence has been greatly missed. Your thoughtful consideration in this highly important matter is greatly appreciated.

Respectfully,

/s/ MIKE WHITE
MIKE WHITE
Sherif

MW/cd

[SEAL OMITTED]

CITY of PORT ARTHUR

March 24, 1998

Honorable Judge Juan Pablo Hernandez
Nuevo Laredo, Mexico

RE: Tommy Bean

Dear Judge Hernandez:

On 03/24/98, I was saddened to learn that Mr. Tommy Bean has been incarcerated by authorities in Mexico, for being in possession of a small amount of ammunition. Mr. Bean works for a car dealership in Port Arthur and also collects guns as a hobby. Many of my officers, including myself, have traded and purchased duty weapons with Mr. Bean and he has always treated us most fairly. Mr. Bean is a good friend of mine and has been a civic leader in our community. Tommy is a well respected business person in Port Arthur, TX, and is a devoted family man of high integrity. He is not a "gun runner", smuggler, or criminal of any type.

I am deeply concerned for Mr. Bean, as he is an outstanding citizen of high moral character with an excellent reputation for fairness and honesty.

Any consideration that you can give Mr. Bean concerning his situation would be deeply appreciated. If you have any question concerning Mr. Bean's veracity and integrity, please feel free to contact me at your earliest convenience. (409) 983-8613; FAX (409) 983-8621

Sincerely,

/s/ M.E. GORRIS
M.E. GORRIS
Chief of Police

MEG:ts

This letter was signed and acknowledged before me by Tonya Summerlin on this the 30th day of March.

/s/ Tonya Summerlin
Notary Public, State of Texas

[SEAL OMITTED]

Graves Police Department
Stephen B. Savoy -- City Marshal

March 30, 1998

ATTN: Honorable Judge Juan Pablo Hernandez

It recently came to my attention that Tommy Bean had been taken into custody by the Mexican government due to ammunition found in his vehicle as he traveled into your country. I have had several years of professional contact with Tommy Bean as a Federal Firearms Licensee and have found him to be very trustworthy. I am assured in corresponding to you that his actions on the date of his arrest were not of any criminal intent.

Mr. Bean's reputation in the community has always been that of a law abiding citizen and I would hope that every consideration be given to rectifying the circumstances of his incarceration.

Sincerely yours,

/s/ STEPHEN B. SAVOY
STEPHEN B. SAVOY

This letter was signed and acknowledged before me by Stephen B. Savoy, on this the 30th day of March, 1998.

Lauren Edgar
Notary Public, State of Texas

[SEAL OMITTED]

BUDDIE J. HAHN
District Judge
260th Judicial District
Orange County Courthouse
Orange, Texas 77630

JUDY MINGLE, Court Coordinator	TELEPHONE
KELLIE DEROUEN, Court Reporter	409/882-7095
THOMAS NORWOOD, Bailiff	409/769-2400

To: Hon. Juan Pablo Hernandez

Re: Thomas Lamar Bean

Dear Judge Hernandez:

I am writing in support of my long time friend, Thomas Lamar Bean, who was arrested at the border on March 14, 1998, and charged with possession of contraband (firearm ammunition).

I have served in my present position as a state district judge for almost 14 years. Before that, I was a practising attorney in the city of Vidor, Texas, the hometown of Tommy Bean. I have known Tommy personally for over 25 years. I know his wife, Sadie, and his son and daughter grew up with my son.

Tommy Bean is a good lawabiding citizen. To my knowledge Tommy has never been arrested or even suspected of any illegal activity. He has been a manager of a successful Chevrolet dealership in Port

Arthur, Texas, for many years, and he is a good family man.

I know that you receive many letters regarding people who are to appear before you in court. I receive many of the same type of letters from friends and family of those charged with a criminal offense in my court. There is a natural tendency to discount the comments of many of these letters as they are written by friends trying to help friends. To a certain extent that is true of this letter. Tommy Bean is my friend. However, I cannot overstate what a good man Tommy really is, or the contribution he has made to his community.

I know for a fact that Tommy never intended to violate any law of the country of Mexico. Ignorance of the law is not a legal excuse, but in striving for justice, you and I know that intent is so important in judging the guilt or culpability of a particular individual or in deciding on a proper punishment.

I would hope that in deciding what disposition should be made of Mr. Bean's case, that you would accept as absolute truth that Mr. Bean is a good, decent, and honest man who never would have intentionally violated any law of Mexico, and that his violation of law was because he inadvertently allowed some cartridges to remain in his vehicle when he crossed the border. I know that you are aware that such possession in the United States is legal.

I believe that you will give this matter your full and careful attention, and I hope that you will do everything in your power to see that fairness and justice prevail.

Respectfully submitted,

/s/ BUDDIE J. HAHN
BUDDIE J. HAHN
Presiding Judge

This letter was signed and acknowledged before me by Buddie J. Hahn on this the 30th day March, 1998.

/s/ Judy Mingle
Notary Public State of Texas

[seal omitted]

LAW OFFICES OF
LARRY C. HUNTER
1260 North Main, Vidor, Texas 77662

Marie Goins
Secretary

Phone (409) 769-5453
Fax (409) 769-0984

July 14, 1999

Secretary of the Treasury
c/o Director John Magaw
Bureau of Alcohol, Tobacco and Firearms
U.S. Department of the Treasury
650 Massachusetts Avenue, N.W.
Washington, DC 20226

Re: THOMAS LAMAR BEAN

APPLICATION FOR RELIEF FROM DISABILITIES
IMPOSED BY FEDERAL FIREARM LAWS

TO THE SECRETARY OF THE TREASURY:

Application is hereby made by THOMAS LAMAR BEAN, hereinafter referred to as "Applicant", for relief from the disabilities imposed by federal firearm laws with respect to the acquisition, receipt, transfer, shipment, transportation, or possession of firearms as provided by 18 U.S.C. §925(c), and in support thereof Applicant would show as follows:

1.

Applicant is a resident of Orange County, Texas, in the Eastern District of Texas. Applicant has been married to his only wife, Sara Bean, since May 25, 1962,

and has two adult children, Cory L. Bean and Julie L. Lightfoot. Applicant was a licensed firearms dealer, License No. 5-76-181-01-9C-35798, at the time of the occurrence of the events leading up to the need to file this application.

2.

Applicant was attending a gun show as a dealer in Laredo, Texas, accompanied by his assistants, Arthur Craig Pulliam, Kevin Anthony Lee, and his son, Justin Lee. On Saturday, March 14, 1998, at the conclusion of the gun show, Mr. Bean and his assistants decided to have dinner at a restaurant in Nuevo Laredo. Justin Lee was instructed to remove the various weapons and ammunition being stored in Mr. Bean's 1994 Suburban. Unfortunately, Justin Lee removed all of the weapons, but only some of the ammunition, leaving the following ammunition in plain view in the back of the Suburban, to-wit:

100 rounds of	Smith & Wesson	.40 caliber
100 rounds of	CCI	.22 caliber
6 live rounds of	Remington	.223 caliber
and 14 spent casings		

3.

Mr. Bean, Kevin Anthony Lee, and Arthur Craig Pulliam did not see the ammunition left in the Suburban, and on March 14, 1998, Mr. Bean's vehicle was stopped at the Mexican Port of Entry, Nuevo Laredo, Tamaulipas, Mexico, where the ammunition in plain view was discovered by the Mexican officials. All four individuals were arrested. Justin Lee was released later that evening because he was a juvenile. Kevin Anthony Lee and Arthur Craig Pulliam were later

released, but Thomas Lamar Bean was charged with introduction of ammunition into the Republic of Mexico since he was the owner of the vehicle and the ammunition.

4.

Mexican law requires an accused to furnish a statement regarding the crime with which the accused is charged, even if the statement is incriminating. The defendant can be charged with a separate offense should the defendant fail to furnish the statement. Mr. Bean acknowledged that he was carrying the ammunition, was not aware that the ammunition was in the vehicle, was not aware that possession of ammunition was an offense in the Republic of Mexico, that the ammunition was not hidden but in plain view, and that the ammunition was in his Suburban as a part of the inventory he was selling at the gun show in Laredo, Texas.

5.

Applicant, Thomas Lamar Bean, was sentenced on May 24, 1998, to a term of imprisonment of 5 years and a fine in the amount of $17,679.60 pesos or the equivalent of 20 days of community service work.

6.

On September 21, 1998, Thomas Lamar Bean was transferred to the La Tuna Penitentiary in Anthony, Texas/New Mexico, by virtue of the International Prisoner Transfer Treaty and the applicable federal statutes under 18 U.S.C. §4100, et seq.

7.

The following identifying data is being furnished concerning Applicant:

True Name:	Thomas Lamar Bean
Date of Birth:	11-24-38
Place of Birth:	Newton County, Texas
Age:	60
Race:	White (non-Hispanic)
Sex:	Male
SSN:	466-56-1640
FBI No.:	Unassigned
USM No.:	28368-077
TX DL No.:	03985767
Education:	12 years
Dependents:	One
Citizenship:	United States
Legal Address:	6000 Highway12 Vidor, Texas 77662
Aliases:	None

8.

Applicant was released from La Tuna Penitentiary on October 21, 1998, and placed on supervised release. Pursuant to 18 U.S.C. §4106A(b)(3) the jurisdiction over Applicant as a supervised releasee is conferred upon the United States District Court for the Eastern District of Texas.

9.

Prior to this unintentional violation of a foreign law, Applicant enjoyed all of the liberties of a United States citizen. Applicant was self-employed as a car dealer at Buddy Chevrolet in Groves, Texas, which dealership was sold while Applicant was in custody in Mexico. Since his release and return to the United States, Mr.

Bean has opened a used car dealership under the trade name of Buddy Used Cars in Groves, Texas.

10.

Prior to this unfortunate and unintentional violation by Applicant of a foreign law, Mr. Bean had no prior criminal history other than an arrest on February 17, 1977 in Orange County, Texas for driving while intoxicated, which complaint was dismissed by the County Attorney on July 12, 1978 due to insufficient evidence. Applicant is well known throughout Southeast Texas as a law abiding citizen and asset of the community. Attached to this application are letters of recommendation sent to the judge in Nuevo Laredo, Mexico from the following elected officials:

a. Chief of Police of Vidor, Texas;
b. Sheriff of Orange County, Texas;
c. Chief of Police of Port Arthur, Texas;
d. City Marshall of Groves, Texas; and,
e. Judge Buddie J. Hahn of the 260th District Court of Orange County, Texas.

Also attached to this application is a copy of an editorial from the Beaumont Enterprise which ran shortly after Mr. Bean was transferred from the Republic of Mexico to the La Tuna Penitentiary in Anthony, Texas/New Mexico, which is a good example of how the Southeast Texas community reacted to Mr. Bean's arrest, incarceration, and sentence.

11.

Due in a large part to the publicity Mr. Bean's case received not only in Southeast Texas, but also in Laredo, Texas, the Federal Firearms and Explosives Law of the Republic of Mexico was amended to provide that a foreign resident who is a first time offender will

receive an administrative sanction of a 200 day fine, without imprisonment. However, the Republic of Mexico did not make such amendment of their firearm laws expressly retroactive for Mr. Bean's case.

12.

Applicant would show unto the Secretary that the circumstances regarding his disability under the United States Federal Firearm Laws, and the Applicant's record and reputation, are such that the Applicant will not be likely to act in a manner dangerous to public safety, and the granting of the relief from such disabilities would not be contrary to the public interest.

WHEREFORE, PREMISES CONSIDERED, Applicant prays that the Secretary grant Applicant relief from the disabilities incurred as provided by 18 U.S.C. §925(c) to allow Applicant to again possess firearms and ammunition, including firearms and ammunition which have been shipped or transported in interstate or foreign commerce, and to allow Applicant to regain his firearms license as a dealer in firearms other than destructive devices.

Respectfully submitted,

/s/ THOMAS L. BEAN
THOMAS LAMAR BEAN

/s/ LARRY C. HUNTER
LARRY C. HUNTER
Attorney for Applicant
Texas State Bar No. 10300700

[SEAL OMITTED]

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
WASHINGTON, DC 20226

July 27, 1999

Mr. Larry C. Hunter
Attorney at Law
1260 North Main
Vidor, Texas 77662

Dear Mr. Hunter:

This is in reference to the recent application for restoration of Federal firearms privileges you submitted on behalf of your client, Mr. Thomas Lamar Bean, to the Bureau of Alcohol, Tobacco and Firearms (ATF).

As you are aware, under the provisions of the Gun Control Act of 1968 (GCA), convicted felons and certain other persons are prohibited from possessing firearms. (See 18 U.S.C. § 922(g).) The GCA, however, provides the Secretary of the Treasury with the authority to grant relief from this disability where the Secretary determines that the person is not likely to act in a manner dangerous to the public safety. (See 18 U.S.C. § 925 (c).) The Secretary has delegated this authority to ATF.

Since October 1992, ATF's annual appropriation has prohibited the expending of any funds to investigate or act upon applications for relief from Federal firearms

disabilities. This restriction is located in Pub. L. No. 105-277, 112 Stat. 2681, containing ATF appropriations for fiscal year 1999. As long as this provision is included in current ATF appropriations, the Bureau cannot act upon applications for restoration of Federal firearms privileges submitted by individuals. In view of the above restriction, we are returning Mr. Bean's application for restoration of Federal firearms privileges and the supporting documentation.

Furthermore, the restriction contained in Pub. L. No. 105-277 does not change Mr. Bean's status as a prohibited person. He is still prohibited from possessing, receiving, transporting, or shipping firearms under Federal law.

As a result of the foregoing, we recommend that you contact our office about obtaining restoration of Federal firearms privileges for your client if and when Congress acts to remove the restriction currently imposed. The address is as follows: Bureau of Alcohol, Tobacco and Firearms, P.O. Box 50220, Tech World Post Office, Washington, DC 20091, ATTN: Restoration Section.

We trust this has been responsive to your inquiry. If any further assistance is needed, please contact our Program Analyst, Barbara Terrell, at 202-927-8040.

Sincerely yours,

/s/ PAMELA A. POTACZEK
PAMELA A. POTACZEK
Chief, Firearms Trafficking Branch

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

Civil Action No. 1:99-CV-724

THOMAS LAMAR BEAN, PETITIONER

v.

UNITED STATES OF AMERICA, BUREAU OF ALCOHOL TOBACCO AND FIREARMS, RESPONDENTS

PETITIONER'S TRIAL BRIEF

[Filed Dec. 27, 1999]

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now THOMAS LAMAR BEAN, Petitioner in the above entitled and numbered cause of action, and files this supporting trial brief as encouraged by the Court, and Petitioner would respectfully show unto the Court as follows:

STATEMENT OF FACTS

1.

Petitioner was convicted in the Republic of Mexico for the introduction of ammunition into the Republic of Mexico, and was sentenced to a term of imprisonment of five years and a fine. Said conviction resulted from Petitioner's mistake of fact in crossing border into the Republic of Mexico with ammunition in plain view in the back of the Suburban he was operating, after Petitioner had instructed a third party to remove all wea-

pons and ammunition from his vehicle. Said conviction followed Petitioner's signing of a confession in Spanish when Mr. Bean does not speak, read or understand Spanish. Mexican law requires an accused to furnish a statement regarding the crime charged, even if the statement is incriminating, and the arrested person can be charged with a separate offense should he or she fail to make such statement.

2.

On September 21, 1998, Petitioner was transferred to the La Tuna Penitentiary in Anthony, Texas/New Mexico, by virtue of the International Prisoner Transfer Treaty and the applicable federal statutes under 18 U.S.C. §4100, et seq. Petitioner was released from La Tuna Penitentiary on October 21, 1998, and placed on supervised released. Pursuant to 18 U.S.C. §4106A(b)(3), the jurisdiction over Petitioner as a supervised releasee was conferred upon the United States District Court for the Eastern District of Texas. Petitioner was released from supervised release by an order signed by Hon. Joe J. Fisher on August 30, 1999, in Case No. 1:98CR147, styled: *United States of America* vs. *Thomas Lamar Bean*, in the United States District Court for the Eastern District of Texas, Beaumont Division.

* * * * *

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

Civil Action No. 1:99-CV-724

THOMAS LAMAR BEAN, PETITIONER

v.

UNITED STATES OF AMERICA, BUREAU OF ALCOHOL TOBACCO AND FIREARMS, RESPONDENTS

[Filed Feb. 9, 2000]

GOVERNMENT'S OBJECTIONS TO PETITIONER'S PROPOSED FINDINGS OF FACT AND CONCLUSION OF LAW

COMES NOW the United States of America by and through its Assistant United States Attorney Paul E. Naman and makes these objections to Petitioner's Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

Petitioners Findings of Fact are supported by the evidence presented at the hearing of January 20, 2000.

* * * * *

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

Civil Action No. 1:99-cv-724

THOMAS LAMAR BEAN, PETITIONER

v.

UNITED STATES OF AMERICA, BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, RESPONDENTS

[Filed Mar. 21, 2000]

VOLUME 1 OF 1, PAGES 1 THROUGH 48
TRANSCRIPT OF HEARING: PETITIONER FOR RELIEF FROM DISABILITY FIREARMS ACT
BEFORE THE HONORABLE JOE J. FISHER
UNITED STATES DISTRICT JUDGE

APPEARANCES:

FOR THE PETITIONER, Thomas Lamar Bean:	Larry C. Hunter Attorney at Law 1260 North Main Vidor, Texas 77662 (409) 769-5453
FOR THE RESPONDENTS, United States of America, Bureau of Alcohol, Tobacco and Firearms:	Paul Naman John Burch Stevens, Jr. Assistant U.S. Attorneys U.S. Attorney's Office 350 Magnolia, Suite 150 Beaumont, Texas 77701-2237 (409) 839-2538

COURT REPORTER:	C. FRANK MCMILLAN P. O. Box 2664 Beaumont, Texas 77704 (409) 654-2805

Proceedings recorded by stenograph shorthand; transcript produced by CAT system.

* * * * *

[6] **THOMAS LAMAR BEAN, PETITIONER, SWORN**

THE COURT: Have a seat in the witness chair and speak into the microphone.

MR. HUNTER: May I proceed, Your Honor?

THE COURT: Yes, sir.

* * * * *

[7] Q All right. What is your occupation:

A I'm a used car dealer.

* * * * *

[8] Q Were you in Laredo, Texas, on Saturday, March 14th, 1998?

A Yes.

Q And what were you doing at that time?

A I was doing a gun show in Laredo.

Q And who was assisting you with that gun show?

A Art Pulliam, Kevin Lee, and his son, Justin Lee.

Q Did you have a good day of sales at the show on Saturday?

A Tremendous.

Q And did you decide to take the gentlemen that were helping you and one of the gentleman's sons with you into Mexico to enjoy a meal at a restaurant?

A That is correct.

Q Prior to crossing the border, had you given Justin Lee any instructions about what to do concerning the guns and [9] ammunition in your Suburban?

A Yes.

Q What did you tell him to do?

A Mr. Pulliam and Mr. Lee have Texas—carry handgun permits. And I instructed them that we would go back to the motel and that we would not take anything across the border that might—any guns or anything across the border. And I asked Justin to check out the Suburban and anything in there to remove it.

Q Did he remove the firearms that were in the Suburban?

A Yes, the firearms were—the firearms were on the person themselves. And we went back to the motel and did all of that.

Q All right. Did Mr. Justin Lee, the boy, remove anything from the Suburban prior to going into Mexico?

A I don't know if he removed anything or not.

Q After you had asked Justin Lee to check the vehicle, did you personally check the vehicle?

A No, I did not.

Q When you went across the border were you stopped at the border by customs agents?

A Red light.

Q They have a green light/red light system?

A Right.

[10] Q And your vehicle received a red light?

A Red light.

Q Does that mean you need to stop so they can inspect the vehicle?

A Correct.

Q Was there ammunition that had been left in your vehicle ?

A Yes, there was.

Q Was it in plain view—

A Yes.

Q – in the rear of the vehicle?

A Yes.

Q Where was it located?

A It was in a plastic tray. In the right-hand side of the Suburban there is some plastic trays that are—where the Suburban interior comes up, there's some trays that go right along the last long window in the rear. There's a plastic tray there.

Q Above the wheel well?

A Yes.

Q Did you explain to the custom agents that you did not know the ammunition had been left in the vehicle?

A Yes.

Q And were all four of you arrested at the border?

A Yes.

Q Did the Mexican officials eventually release Justin Lee?

A Yes

[11] Q Where were you, Mr. Pulliam and Mr. Lee being held after you were first arrested?

A The night we was arrested we were held at, I presume, the police station. And the next morning we went to, which was Sunday, they took us to like downtown. And it was like a square and they put us in a cell like in the cellar.

Q Okay. Were you able to obtain the release of Mr. Pulliam and Mr. Lee?

A Mr. Pulliam and Mr. Lee was released.

Q How was that release arranged?

A There was bonds posted—or I was told it was bonds posted—of $2500 each and there was a bond posted for me for $10,000.

Q And who arranged for that payment for the bonds?

A Mr. Gus Cargile.

Q Once the bonds were posted or the money paid for Mr. Pulliam and Mr. Lee, were they actually released from custody?

A Yes.

Q And were you released from custody?

A No.

Q Did you learn later that they wanted more than $10,000?

A Well, when Mr. Cargile brought the 10,000, they decided that they wanted 20,000.

Q How long were you held in Mexico before they eventually [12] charged you with the criminal offense of crossing the border with ammunition?

A I don't know. I can't answer that.

Q Did you retain the services of a Mexican attorney–

A Yes.

Q – to represent you there?

A Yes.

Q Did your wife also retain the services of a CPA from Mexico who had experience in obtaining the release of persons in your position?

A Yes.

Q And as a result of the hiring the Mexican CPA was your first attorney dismissed?

A Right. Yes?

Q And did the CPA then hire another attorney?

A No.

Q Were you represented at the time of your trial in the Mexican Court by an attorney?

A No.

Q Sir?

A No.

Q Was there a public defender that was representing you in some fashion?

A When we hired the gentleman to negotiate the terms for release one of the stipulations was that I had to fire my [13] attorney and I had to go through the public defender.

Q Do you know if the public defender was present at your trial?

A I have no idea.

Q Were you asked, during the course of your stay prior to trial, to sign certain documents which were printed in Spanish?

A Yes.

Q Did you know what you were signing?

A No.

Q Can you read the Spanish languge?

A No.

Q Did anyone attempt to explain to you in English what the documents were?

A Yes.

Q And who was that person?

A Well, on each document they always had someone else. And it was like another Mexican that could speak some English and like, you know, couldn't hold—couldn't carry on a conversation in English, but he could speak some English.

Q Who would bring the documents to you to sign? Was it the public defender or other people?

A The documents were—I would be called up from my cell in prison and into like the lobby. And it

was the prison [14] officials that had the documents for me to sign.

Q So you didn't have the opportunity to speak with your attorney before signing documents?

A Never.

Q Were you able to understand from the translation, the partial translation you were given, exactly what the documents were or why your signature was required?

A Not really.

Q Did you realize that one of the documents was a confession?

A No.

Q When were you first aware that you had signed a confession?

A I don't know exactly the length of time. But my wife and two or three more people, I don't know exactly who they were, flew to Monterey to meet with this official to try to help me get released. And he told them that I had signed a confession. And when—when—the next time I talked to her, after she got back, she told me.

Q Okay. Did that knowledge come to you after you had been convicted and sentenced?

A I'm not sure. I think it did.

Q But you're not positive?

A I'm not positive. I can't give you a date.

Q Would it be fair to characterize that period in your [15] life as a living nightmare?

A That would be putting it very mildly.

Q Did you expect to be released based on the information furnished to you by the CPA?

A Yes.

Q Did law enforcement officers or friends who knew you send letters of recommendation to the Judge in Mexico through your representative in Mexico?

A Yes.

Q And I believe we have marked those as Exhibit 6; is that correct, Mr. Bean?

MR. HUNTER: May I approach the witness, Your Honor, and show him the number?

THE COURT: Yes.

A Yes.

Q (By Mr. Hunter) Would you look through those documents to see if those are the documents that were sent on your behalf?

A Yes.

MR. HUNTER: Your Honor, we would tender Exhibit 6 for the purpose of just showing those were letters of recommendation if there's no object?

MR. NAMAN: No objection, Your Honor.

THE COURT: They will be accepted in evidence.

Q (By Mr. Hunter) Did you personally know those [16] individuals who wrote the letters of recommendation?

A Do I know them?

Q Yes, sir.

A Yes.

Q And could you just tell the Court briefly who wrote the letters that we have marked as Exhibit No. 6?

A Okay. We have the Chief of Police in Vidor where I live. We have the Sheriff in Orange County where I reside. We have the Chief of Police in Port Arthur, Texas, where my business was. We have the Chief of Police in Groves, Texas, which Groves and Port Arthur where my business was is right across the street. We have Judge Buddie Hahn is a judge in Orange County. We have the Orange County District Attorney. We have a prominent doctor in Port Arthur, which is—I had seen on occasions. We had the YMBL in Beaumont, Texas. We had Joe E. Polk from Beaumont who was my partner in Buddy Chevrolet; and we had the church.

Q Were you afforded a trial in Mexico?

A I couldn't hear you.

Q Were you afforded a trial in Mexico?

A Did I go to trial?

Q That will serve the same purpose. Yes, sir.

A No.

Q Were the court proceedings in Mexico anything similar to the court proceedings here in the United States?

[17] A No.

Q Were you able to testify and explain what happened in open Court as we're doing here today?

A No.

Q Were you shocked to learn that you had been found guilty and sentenced to five years in prison?

A Devastated.

Q How did you obtain your release back to the United States?

A I came back by way of a treaty that the United States and Mexico has. And it's commonly called a Prisoner Exchange Program.

Q Okay. And where were you transferred to from Mexico?

A From Nuevo Laredo I was transferred to Monterey. And I was in Monterey for less than a week. From Monterey I was transferred to El Paso and—which is La Tuna, a federal. And it's on—the address is New Mexico, Texas. It's right

on the border there. And that's where I was transferred to.

Q Were you eventually granted a supervised release—

A Yes.

Q – from that federal facility?

A Yes.

* * * * *

[20] Q Other than traffic citations, have you ever been convicted of a crime in the United States?

A No.

Q Have you ever been charged with or convicted of a felony in the State of Texas or any other state?

A No.

Q Do you know of any reason why anyone would fear you might act in a dangerous manner or a manner dangerous to the public if you were granted the right to possess a firearm?

A No.

Q And do you know of any reason why anyone would believe that granting you the right to possess a firearm would be contrary to public interest?

A No.

Q Can you just explain to the Judge why you would like the right to possess a firearm at your age?

THE WITNESS: Judge, I'm 61 years old. All I've done in my life is work and I like to hunt. And I like to deer hunt and I like to dove hunt. And I don't have that much time left and I don't feel like that I deserve to be [21] under the predicament I'm under.

MR. HUNTER: I pass the witness, Your Honor.

MR. NAMAN: I just have a couple of questions, Your Honor.

CROSS-EXAMINATION

BY MR. NAMAN:

Q Mr. Bean, as I understand it, you hired an attorney right after you were arrested; is that correct?

A Yes, sir.

Q And this attorney was to represent you in court and advise you and things like that; is that correct?

A Yes.

Q And then you hired the CPA. Does that mean Certified Public Accountant?

A Yes.

Q And as the result of that you dismissed your attorney?

A Yes.

Q Would it be fair to say that you hired this CPA in an attempt to circumvent the justice system of the state—of the Nation of Mexico and to obtain your release surreptitiously; would that be a fair statement?

A I was under the impression that that's the way you did it in Mexico.

Q So you didn't have very much respect for the justice system of the country of the Mexico; is that correct? Is [22] that correct?

A I never thought about it.

Q And your predicament is partially because you tried to circumvent the justice system of Mexico and fired your attorney where instead of going through the normal course of things; isn't that correct?

A Yes.

* * * * *

[28] DIRECT EXAMINATION.

BY MR. HUNTER:

Q Would you state your name for the Judge, please?

A My name is M. E. Gorris. My nickname is Duke.

Q Okay. And, Mr. Gorris, what is your occupation?

A The Chief of Police of Port Arthur, Texas.

Q And how long have you been in law enforcement?

A Twenty-eight years, sir.

Q And when were you hired as Chief of Police for the City of Port Arthur?

A July the 9th—I'm sorry. July the 7th, 1990.

Q And how long have you known Tommy Bean?

[29] A Approximately nine and a half years.

Q How did you meet Mr. Bean?

A I met Mr. Bean at a gun show in Beaumont, Texas.

Q And are you the holder of a Federal Firearms License as well?

A I have been. I'm not currently, no.

Q Did you become friends with Mr. Bean?

A Oh, yes. We became friends over the years.

Q Did you actually attend some gun shows with Mr. Bean as a dealer yourself?

A Yes, I did. We tabled together at several gun shows throughout the area.

Q Did you ever notice anything about the manner in which Mr. Bean handled his firearm business that caused you any concern as an individual or as a law enforcement officer?

A Oh, no, he was very methodical; and if he had any suspicion or any doubt or anything that would indicate that something might not be quite right,

he just simple wouldn't sell. He would not trade, he just wouldn't do it.

Q Are you familiar with Mr. Bean's reputation in this community?

A Yes, sir, I am.

Q What do you understand his reputation to be?

A He is an upstanding businesssman, good family man. I've never had one report against him. I've done a lot of [30] investigations of all types in my city because of the nature of my work, undercover operations, et cetera. And if there were any complaints against him or his name was brought up in any type of criminal activity, I would know it.

Q Did you learn of Mr. Bean's arrest and eventual conviction in Mexico for crossing the border in possession of ammunition?

A Yes, sir, I did.

Q Were you concerned about his safety as a result of that arrest?

A I was very concerned about his safety.

Q As a law enforcement officer and resident of this community, would you have any objection to Mr. Bean being granted the right to possess a firearm, following that Mexico conviction?

A Absolutely not.

Q Can you represent to the Court, based on your knowledge of Mr. Bean, that Mr. Bean will not

likely act in a manner dangerous to public safety if he's granted the right to possess a firearm?

A Yes, sir, I can say that.

Q And do you believe that granting Mr. Bean the right to possess a firearm would in any way be contrary to the public interest?

A No, sir, it would not.

[31] MR. HUNTER: I'll pass the witness, Your Honor.

MR. NAMAN: I have no questions,Your Honor.

THE COURT: All right, you may step down.

THE WITNESS: Thank you, Your Honor.

THE COURT: Thank you for coming. You may be excused any time you wish.

Call your next witness.

MR HUNTER: Your Honor, we had subpoenaed Mr. Carl Fronabarger with the ATF. And I don't know if they've granted him permission to testify or not.

Are you Mr. Fronabarger?

I would like to call Mr. Fronabarger next, Your Honor.

THE COURT: Okay.

CARL FRONABARGER, PETITIONER'S WITNESS, SWORN

THE COURT: Have a seat in the witness chair. You may proceed.

DIRECT EXAMINATION

BY MR. HUNTER:

Q Would you state your name for the Court, please?

A Carl Allen Fronabarger.

Q And I apologize if I mispronounce your name.

What is your occupation?

A I'm an Inspector for the Bureau of Alcohol, Tobacco & Firearms.

[32] Q And how long have you been an ATF agent?

A Well, I'm an Inspector which it's not the same as an agent. But I've been employed with ATF for eleven and a half years.

Q As an Inspector did your responsibilities include checking firearm dealers' records?

A Yes.

Q And is that how you came to know Mr. Tommy Bean?

A Yes, it is.

Q How did you meet Mr. Bean?

A I first remember meeting Tommy when he came to the office to get an application from an FFL.

Q Do you know how long Mr. Bean held a Federal Firearms License?

A Well, I think he got it approximately in either late '93 or '94, and held it up until about '98. So that would be approximately five years.

Q Is it fair to say his license was not renewed because of this Mexican conviction?

A Yes.

Q Was Mr. Bean a cooperative firearm's dealer in terms of your checking his records?

A Yes, he was.

Q Was he a good record keeper?

A I would say his records were excellent.

[33] Q How did you become aware of Mr. Bean's conviction in Mexico for crossing the border in possession of ammunition?

A I can't honestly say for sure. But I think I just heard it on the news.

Q I'm sorry?

A I think I heard it on the news originally.

Q If Mr. Bean informed you, as he has here today, that he was not aware of the ammunition being in his vehicle at the time, would you have any reason to doubt what he says?

A None whatsoever.

Q Do you know of any reason—as the ATF Inspector responsible for checking Mr. Bean's records, do you know of any reason to believe that he would act in a manner dangerous to public safety if he were granted the right to possess a firearm?

A No, I do not.

Q And do you know of any reason to believe that granting him the right to possess a firearm would be contrary to public interest at this point in time?

A As I understand the question, no, I do not.

MR. HUNTER: I pass the witness, Your Honor.

THE COURT: Mr. Naman

CROSS-EXAMINATION

BY MR. NAMAN:

Q Just so the Court will understand, as an inspector your [34] job is just to check on records; is that correct?

A That's absolutely correct.

Q You do no investigation into character or anything like that?

A That's correct.

Q So when Counsel asked you if you knew any reason, you haven't done any investigation into Mr. Bean's character to know whether it's good, bad or anything else, do you?

A Nothing beyond doing a records check at the FBI's NCIC computer, which is standard procedure.

Q You haven't talked to people in the community or anything like that? That's not your job?

A No, I do not.

Q And if Congress allowed funds to do the investigation for this application, would you have done that investigation?

A No, that is done by the agents in the office.

Q Okay. So it's not even your job to do the kind of investigation necessary for this application, is it?

A That's correct.

Q So you have no idea what Mr. Bean's character is or is not?

A I do not know him other than my professional dealings with him, that's correct.

THE COURT: Anything further?

[35] MR. HUNTER: No further questions, Your Honor.

THE COURT: All right. You may come down.

* * * * *